

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROKU, INC.,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A HERETO,

Defendants.

ORDER OF DEFAULT

22 Civ. 202 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS the Complaint in this case was filed on January 10, 2022 (Dkt. No. 9);

WHEREAS on January 20, 2022, this Court granted Plaintiff's application for a temporary restraining order; an order restraining merchant storefronts and Defendants' assets with financial institutions; an order to show cause as to why a preliminary injunction should not issue; an order authorizing bifurcated and alternative service by electronic means; and an order authorizing expedited discovery (Dkt. Nos. 5, 22);

WHEREAS Plaintiff served the Summons, Complaint, TRO, all supporting papers, and the Court's scheduling orders on each Defendant by January 31, 2022, in accordance with the order authorizing alternative service (Dkt. No. 35);

WHEREAS on February 8, 2022, this Court conducted a preliminary injunction hearing as to all the Defendants listed in Schedule A to the Complaint except Defendants Parts Outlet, vtinva, Auteey, Carbonline, CØLIPSØ, JEM&JULES, USonline911, Buy & Delight, Melody Store, Sourcing Remote, Value Foremost, and Chunghop Store;

WHEREAS Plaintiff appeared at the preliminary injunction hearing, but no Defendants appeared;

WHEREAS at the preliminary injunction hearing, this Court determined that Plaintiff had not shown a basis for the Court to exercise personal jurisdiction over Defendants akadaddy, EleLink Shop, and YJY Shop;

WHEREAS on February 10, 2022 this Court issued a preliminary injunction as to all Defendants listed in Schedule A to the Complaint, except Defendants Parts Outlet, vtinva, Auteey, Carbonline, CØLIPSØ, JEM&JULES, USonline911, Buy & Delight, Melody Store, Sourcing Remote, Value Foremost, Chunghop Store, akadaddy, EleLink Shop, and YJY Shop (Dkt. No. 41);

WHEREAS since the Complaint was filed, Plaintiff has voluntarily dismissed its claims against 110 of the 130 Defendants listed in Schedule A to the Complaint (Dkt. Nos. 26, 78, 58-59, 64-66, 69-71, 73, 77-79, 81, 83-85, 87-93, 95-96, 98-99);

WHEREAS on July 15, 2022, Plaintiff obtained a certificate of default against the remaining 20 Defendants: Gaudi, HzgangDirect, WINBOUS, AuntbingluuX, Electronic_outlet, huangchen123, jinyuzhir, kappdo, laceskong, Loverhart, Mccemyy, monsterlady, mykshop, noral, phonemol, Richapex2016, schaef, xuenvzhuang, Xutao, and zhanghongyue (the “Defaulting Defendants”) (Dkt. No. 102);

WHEREAS on July 25, 2022, Plaintiff moved for a default judgment as to the Defaulting Defendants (Dkt. Nos. 103-06);

WHEREAS on July 27, 2022, this Court entered an Order to Show Cause, which directed Plaintiff to serve the Defaulting Defendants the order by August 1, 2022. The Defaulting Defendants’ opposition papers were due on August 8, 2022. A show cause hearing was scheduled for August 18, 2022 (Dkt. No. 107);

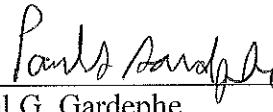
WHEREAS a certificate of service was filed by Plaintiff on July 28, 2022 stating that Plaintiff had served each of the Defaulting Defendants with the Order to Show Cause and supporting papers on July 27, 2022 (Dkt. No. 108); and

WHEREAS the Defaulting Defendants have filed no opposition to Plaintiff's motion for a default judgment and did not appear at the August 18, 2022 hearing;

It is hereby ORDERED that default is entered against the Defaulting Defendants, and this matter is referred to Magistrate Judge Figueredo for an inquest into damages. The Clerk of Court is directed not to close this case.

Dated: New York, New York
September 19, 2022

SO ORDERED.



Paul G. Gardephe
United States District Judge